NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-002402-3

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

City of Yakima Publicly-Owned Treatment Works
129 N. 2nd Street
Yakima, WA 98901

is authorized to discharge in accordance with the special and general conditions that follow.

Treatment Plant Location: 2220 E. Viola Avenue Yakima, WA 98901	Receiving Water: Yakima River, River Mile 110.1
Water Body I.D. No.: WA-37-1040	Discharge Location: Latitude: 46° 34' 48" N Longitude: 120° 27' 52" W
Treatment Processes: Activated sludge with primary and secondary clarifiers, trickling filters, and chlorine disinfection with dechlorination.	

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G. Thomas Tebb, L.E.G.
Section Manager
Central Regional Office
Water Quality Program
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.E.	Request for Reduction of Monitoring	As necessary	As necessary
S3.A.	Discharge Monitoring Report	Monthly	July 15, 2003
S3.E.	Noncompliance Notification	As necessary	As necessary
S4.B.	Plans for Maintaining Adequate Capacity	As necessary	As necessary
S4.D.	Notification of New or Altered Sources	As necessary	As necessary
S4.E.3	Infiltration and Inflow Evaluation	Annually	January 15, 2004
S4.F.	Wasteload Assessment	2/permit cycle	January 15, 2004 (Within Facility Plan)
S5.G.	Operations and Maintenance Manual	1/permit cycle	May 31, 2007[a]
S6.A.2.	Accidental Spill Plan	1/permit cycle	January 15, 2004
S6.A.5.	Pretreatment Report	Annually	April 15, 2004
S8.B.9.	Acute Toxicity Compliance Monitoring Reports	As necessary	Within sixty (60) days after each subsequent sampling event)
S8.B.10.	Acute WET Testing Summary Report	1/permit cycle	May 31, 2007[a]
S9.B.	Chronic Toxicity Compliance Monitoring Reports	As necessary	Within sixty (60) days after each subsequent sampling event
S9.C.	Chronic Toxicity TI/TRE Plan	As necessary	As necessary
S9.D.9.	Chronic WET Testing Summary Report	1/permit cycle	May 31, 2007[a]
S10.	Receiving Water and Effluent Study Results	1/permit cycle	May 31, 2007[a]
S10.C.	Receiving Water and Effluent Study Sampling and Quality Assurance Plan	1/permit cycle	October 1, 2003
S11.A.	Facility Plan	1/permit cycle	January 1, 2004
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S13.A.	Schedule of Compliance-Scope of Work	1/permit cycle	January 1, 2004
S13.C.	Schedule of Compliance-Assessment Report	1/permit cycle	July 15, 2006
S13.D.	Schedule of Compliance-Water Effects Ratio Study Plan	As necessary	With Assessment Report
S13.E.	Schedule of Compliance-Engineering Report	As necessary	May 31, 2007[a]
G1.	Notice of Change in Authorization	As necessary	As necessary

Permit Section	Submittal	Frequency	First Submittal Date
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	As necessary
G5.	Engineering Report for Construction or Modification Activities	As necessary	As necessary
G7.	Application for Permit Renewal	1/permit cycle	May 31, 2007[b]
G21.	Notice of Planned Changes	As necessary	As necessary
G22.	Reporting Anticipated Non-compliance	As necessary	As necessary

[a] With application for permit renewal
[b] At least one (1) year prior to permit expiration

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. In addition, the Permittee shall comply with the requirements of the Schedule of Compliance in Special Condition S13.

1. Interim Limitations

Beginning on the **June 1, 2003** and lasting through **January 15, 2008**, the Permittee is authorized to discharge treated municipal wastewater to the Yakima River at the permitted location subject to the following limitations:

EFFLUENT LIMITATIONS[a]: OUTFALL # 001		
Parameter	**Average Monthly[b]**	**Average Weekly**
5-day Biochemical Oxygen Demand (BOD_5)	30 mg/L 85% removal	45 mg/L
Total Suspended Solids (TSS)	30 mg/L 85% removal	45 mg/L
Fecal Coliform Bacteria	200 colonies/100 mL	400 colonies/100 mL
pH[c]	Between 6.0 and 9.0 at all times.	
Parameter	**Average Monthly**	**Maximum Daily[d]**
Total Residual Chlorine (TRC)	0.012 mg/L	0.029 mg/L
Total Ammonia, as N	4.16 mg/L	12.3 mg/L
Total Copper	9.84 µg/L	14.36 µg/L
Total Lead	3.96 µg/L	5.77 µg/L
Total Silver	2.18 µg/L	3.17 µg/L
Total Zinc	70.35 µg/L	95.82 µg/L
Chronic WET Limit	The chronic toxicity limit shall be no statistically significant difference in test organism response between the chronic critical effluent concentration (CCEC), 15.1% of the effluent, and the control. (See Special Condition S9. for further information.)	
a-The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
b-The average monthly effluent concentrations for BOD and TSS shall not exceed 30 mg/L or 15 percent of the respective monthly average influent concentrations.		

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c-Indicates the range of permitted values.
d-The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.

2. Final Limitations

Beginning on **January 16, 2008** and lasting through the **May 31, 2008**, the Permittee is authorized to discharge treated municipal wastewater to the Yakima River at the permitted location subject to the following limitations:

EFFLUENT LIMITATIONS[a,b]: OUTFALL # 001		
Parameter	**Average Monthly[c]**	**Average Weekly**
BOD_5	30 mg/L 85% removal	45 mg/L
TSS	30 mg/L 85% removal	45 mg/L
Fecal Coliform Bacteria	200 colonies/100 mL	400 colonies/100 mL
Ph	Between 6.0 and 9.0 at all times.	
Parameter	**Average Monthly**	**Maximum Daily[d]**
TRC	0.012 mg/L	0.029 mg/L
Total Ammonia, as N	4.16 mg/L	12.3 mg/L
Total Copper	6.71 µg/L	9.80 µg/L
Total Lead	3.96 µg/L	5.77 µg/L
Total Silver	2.18 µg/L	3.17 µg/L
Total Zinc	45.70 µg/L	66.70 µg/L
Chronic WET Limit	No statistically significant difference in test organism response between the chronic critical effluent concentration (CCEC), 15.1% of the effluent, and the control. (See Special Condition S9. for further information.)	
a-The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
b-Effluent limits may be revised through a permit modification after approval of the Final *Facility Plan*.		
c-The average monthly effluent concentrations for BOD and TSS shall not exceed 30 mg/L or 15 percent of the respective monthly average influent concentrations.		
d-The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day.		

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B. Mixing Zone Descriptions

The authorized mixing zones are defined as follows:

The length of the chronic and acute mixing zones shall extend downstream no greater than 310 feet and 31 feet, respectively. The width of the chronic and acute mixing zones shall be no more than 50 feet wide. The aquatic life-based dilution factors for the chronic and acute mixing zones were determined to be 6.61 and 1.51, respectively.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Domestic Influent Wastewater[a]	BOD_5	mg/L	Headworks	3/week[b]	24-hour Composite[c]
"	BOD_5	lbs/day	"	"	Calculation[d]
"	TSS	mg/L	"	"	24-hour Composite
"	TSS	lbs/day	"	"	Calculation
"	TKN	mg/L	"	1/month[e]	24-hour Composite
"	TKN	lbs/day	"	"	Calculation
"	Flow	MGD	"	Continuous[f]	Metered
Industrial Influent Wastewater[g]	BOD_5	mg/L	Del Monte[h]	3/week	24-hour Composite
"	BOD_5	lbs/day	"	"	Calculation
"	TSS	mg/L	"	"	24-hour Composite
"	TSS	lbs/day	"	"	Calculation
"	TKN	mg/L	"	1/month	24-hour Composite
"	TKN	lbs/day	"	"	Calculation
"	Flow	MGD	"	Continuous	Metered

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Total Influent Loadings[i]	BOD_5	lbs/day	Not Applicable	3/week	Calculation
"	TSS	lbs/day	"	"	Calculation
"	TKN	lbs/day	"	1/month	Calculation
"	Flow	MGD	"	Continuous	Metered
Effluent Wastewater	BOD_5	mg/L	After Dechlorination	3/week	24-hour Composite
"	BOD_5	lbs/day	"	3/week	Calculation
"	BOD_5	% removal	"	1/month	Calculation[j]
"	TSS	mg/L	"	3/week	24-hour Composite
"	TSS	lbs/day	"	3/week	Calculation
"	TSS	% removal	"	1/month	Calculation
"	TRC	mg/L	"	3/week	Grab[k]
"	TRC	lbs/day	"	3/week	Calculation
"	Sulfites	mg/L	"	3/week	Grab
"	Sulfites	lbs/day	"	3/week	Calculation
"	Fecal Coliform Bacteria	#colonies/ 100 mL	"	3/week	Grab
"	NH_3, as N	mg/L	"	3/week	24-hour Composite
"	NH_3, as N	lbs/day	"	3/week	Calculation
"	DO	mg/L	"	3/week	Grab
"	Temperature	°C	"	3/week	Grab
"	pH	Standard Units	"	3/week	Grab
"	Alkalinity	mg/L, as $CaCO_3$	"	1/month	Grab
"	Hardness	mg/L, as $CaCO_3$	"	1/month	Grab
"	Total Copper	µg/L	"	1/month	Grab[l]
"	Total Lead	µg/L	"	1/month	Grab[l]
"	Total Silver	µg/L	"	1/month	Grab[l]
"	Total Zinc	µg/L	"	1/month	Grab[l]

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Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Pretreatment	As specified in Special Condition S6.				
Sludge	As specified in Special Condition S6.B.				
Acute Toxicity Testing	As specified in Special Condition S8.				
Chronic Toxicity Testing	As specified in Special Condition S9.				
Receiving Water and Effluent Study	As specified in Special Condition S10.				
Ground Water	As specified in Appendix C of the approved O&M Manual.				

a "Domestic Wastewater Influent" means the raw sewage flow entering the headworks of the treatment plant, excluding any sidestream returns from inside the plant.

b "3/week" means three (3) times during each calendar week and on a rotational basis throughout the days of the week.

c "24-hour composite" means a series of at least four (4) individual samples collected over a 24-hour period into a single container, and analyzed as one sample.

d "Calculation" of mass loading means figured concurrently with the respective sample using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.

e "1/month" means once every calendar month, including weekends and holidays, and on a rotational basis throughout the weeks of the month. Samples shall not be taken during the same calendar week.

f "Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for maintenance.

g "Industrial Wastewater Influent" means wastewater entering the treatment plant from the Industrial Waste collection system. Monitoring of Industrial Waste wastewater shall occur whenever Del Monte is discharging.

h The sampling point for influent entering the treatment plant from the Industrial Waste collection system shall be at Del Monte discharge point to the public sewer.

i "Total Influent Loadings" means the aggregate loadings to the treatment plant from the sanitary and Industrial Waste collections systems.

j BOD and TSS percent (%) removal shall be calculated using the following algorithm:
(Average Monthly Influent Concentration (in mg/L) - Average Monthly Effluent Concentration (in mg/L))/Average Monthly Influent Concentration (in mg/L)

k "Grab" means an individual sample collected over a fifteen (15) minute, or less, period.

l Sampling and analysis for Copper, Lead, Silver and Zinc shall be conducted utilizing the Clean Sampling methods specified in Special Condition S10.B.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

E. Request for Reduction of Monitoring

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and

(3) clearly state the justification for the reduction. Any request for reduction in monitoring shall be granted at the Department of Ecology's (Department) discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than sixty (60) days following the monitoring period. The report(s) shall be sent to:

Permit Data Systems Coordinator
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, analytical method/number, method detection limit (MDL), laboratory quantitation limit (QL), reporting units, and concentration detected.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Special Condition S2 of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. FACILITY LOADING

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Parameter	Design Criteria
Average flow (max. month)	TBD[a]
BOD_5 loading (max. month)	TBD
TSS loading (max. month)	TBD
Design population	TBD

a-Design criteria shall be incorporated from the approved Facility Plan into this permit through a permit modification.

B. Plans for Maintaining Adequate Capacity

When the actual flow or waste load reaches eighty-five (85) percent of any one of the design criteria in the approved *Facility Plan* for three (3) consecutive months, or when the projected increases would reach design capacity within five (5) years, whichever occurs first, the Permittee shall submit to the Department, a plan and a schedule for continuing to maintain capacity at the facility sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet this objective.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph A above.

2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.

3. Limitation on future sewer extensions or connections or additional waste loads.

4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.

5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective. In the event the Permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan", as described in 40 CFR 32.2030.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Notification of New or Altered Sources

The Permittee shall submit written notice to the Department whenever any new discharge or a substantial change in volume or character of an existing discharge into the POTW is proposed which: (1) would interfere with the operation of, or exceed the design capacity of, any portion of the POTW; (2) is not part of an approved general sewer plan or approved plans and specifications; or (3) would be subject to pretreatment standards under 40 CFR Part 403 and Section 307(b) of the Clean Water Act. This notice shall include an evaluation of the POTW's ability to adequately transport and treat the added flow and/or waste load, the quality and volume of effluent to be discharged to the POTW, and the anticipated impact on the Permittee’s effluent [40 CFR 122.42(b)].

E. Infiltration and Inflow Evaluation

1. The Permittee shall conduct an infiltration and inflow evaluation. Refer to the U.S. EPA publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, PO Box 47600, Olympia, WA, 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.

2. A report shall be prepared which summarizes any measurable infiltration and inflow. If infiltration and inflow have increased by more than fifteen (15) percent from that found in the first report based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.

3. The report shall be submitted by **January 15, 2004**, and annually thereafter.

F. Wasteload Assessment

The Permittee shall conduct an assessment of its flow and wasteload and submit a report to the Department **January 15, 2004 (within Final Facility Plan)**, and a follow-up report **May 31, 2007**. The report shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and the percentage increase in these parameters since the last assessment. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is required.

S5. OPERATION AND MAINTENANCE (O&M)

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper O&M also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class IV plant by the State of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class III plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate O&M program for its entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, thirty (30) days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes. The Permittee shall maintain Reliability Class II (EPA 430-99-74-001) at the wastewater treatment plant, which requires primary sedimentation and disinfection.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce its sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, 3 or 4) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
   b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
   c. The Department is properly notified of the bypass as required in Special Condition S3.E. of this permit.

3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

4. Bypass for process control purposes in accordance with Department-approved facility design and operational procedures

Bypass of a portion of the wastestream from a portion of the treatment train for process control purposes is authorized, provided, the bypass reenters the process wastestream before discharge and is measured as part of the required effluent sampling program.

G. O&M Manual

The approved O&M Manual shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

An O&M Manual shall be prepared by the Permittee in accordance with WAC 173-240-080 and be submitted to the Department for approval **May 31, 2007**. The O&M Manual shall be reviewed by the Permittee at least annually. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;
2. Plant maintenance procedures;
3. The treatment plant process control monitoring schedule; and,
4. Minimum staffing levels required to operate and maintain the treatment plant, and conduct sampling and analysis required by this permit and process control monitoring contained in the O&M Manual.

S6. PRETREATMENT

A. General Requirements

1. The Permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the Permittee's approved pretreatment program submittal entitled "Industrial Pretreatment Program" and dated June 2000; any approved revisions thereto; and the General Pretreatment Regulations (40 CFR Part 403). At a minimum, the following pretreatment implementation activities shall be undertaken by the Permittee:

    a. Enforce categorical pretreatment standards promulgated pursuant to Section 307(b) and (c) of the Federal Clean Water Act (hereinafter, the Act), prohibited discharge standards as set forth in 40 CFR 403.5, local limitations specified in Section 7.65.070 of Ordinance No. 2000-19, or

State standards, whichever are most stringent or apply at the time of issuance or modification of a local industrial waste discharge permit. Locally derived limitations shall be defined as pretreatment standards under Section 307(d) of the Act and shall not be limited to categorical industrial facilities.

b. Issue industrial waste discharge permits to all significant industrial users [SIUs, as defined in 40 CFR 403.3(t)(i)(ii)] contributing to the treatment system from within the City's jurisdiction. The Department shall continue to issue permits for dischargers in other jurisdictions, as appropriate. Industrial waste discharge permits shall contain as a minimum, all the requirements of 40 CFR 403.8(f)(l)(iii). The Permittee shall coordinate the permitting process with the Department regarding any industrial facility that discharges to the POTW, which may possess a State Waste Discharge Permit issued by the Department. Once issued, an industrial waste discharge permit will take precedence over a State-issued waste discharge permit.

c. Maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by industrial users to the POTW. Records shall be maintained for at least a three-year period.

d. Perform inspections, surveillance, and monitoring activities on industrial users to determine and/or confirm compliance with applicable pretreatment standards and requirements. A thorough inspection of SIUs shall be conducted annually. Frequency of regular local monitoring of SIU wastewaters shall normally be commensurate with the character and volume of the wastewater, but shall not be less than once per year. Sample collection and analysis shall be performed in accordance with 40 CFR Part 403.12(b)(5)(ii)-(v) and 40 CFR Part 136.

e. Enforce and obtain remedies for noncompliance by any industrial users with applicable pretreatment standards and requirements. Once violations have been identified, the Permittee shall take timely and appropriate enforcement action to address the noncompliance. The Permittee's action shall follow its enforcement response procedures and any amendments, thereof.

f. Publish, at least annually in the largest daily newspaper in the Permittee's service area, a list of all nondomestic users which, at any time in the previous 12 months, were in significant noncompliance as defined in 40 CFR 403.8(f)(2)(vii).

g. If the Permittee elects to conduct sampling of a SIU's discharge in lieu of the user self-monitoring, it shall sample and analyze for all regulated pollutants in accordance with 40 CFR Part 403.12(b)(5)(ii)-(v), 40 CFR 403.12(g), and 40 CFR Part 136. The character and volume of the samples shall be representative of the discharge and shall provide

adequate data to determine compliance, but in no case should sampling occur less than two (2) times per year.

h. Develop and maintain a data management system designed to track the status of the Permittee's industrial user inventory, industrial user discharge characteristics, and compliance status.
i. Maintain adequate staff, funds, and equipment to implement its pretreatment program.
j. Establish, where necessary, contracts or legally binding agreements with contributing jurisdictions to ensure compliance with applicable pretreatment requirements by commercial or industrial users within these jurisdictions. These contracts or agreements shall identify the agency responsible for the various implementation and enforcement activities to be performed in the contributing jurisdiction. In addition, the Permittee shall be required to develop a Memorandum of Understanding (or Interlocal Agreement) that outlines the specific roles, responsibilities, and pretreatment activities of each jurisdiction.

2. The Permittee shall develop and submit to the Department for approval, by **January 15, 2004**, an updated Accidental Spill Prevention Program. The program, as approved by the Department, shall include a schedule for implementation, and shall become an enforceable part of these permit conditions.

3. The Permittee shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge. The results of such activities shall be available to the Department upon request. If the Permittee decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

   a. Description of discharge practices, including nonroutine batch discharges.
   b. Description of stored chemicals.
   c. Procedures for immediately notifying the Permittee of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days.
   d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or

equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

4. Whenever it has been determined, on the basis of information provided to or obtained by the Department, that any waste source contributes pollutants to the Permittee's treatment works in violation of Subsection (b), (c), or (d) of Section 307 of the Clean Water Act, and the Permittee has not taken adequate corrective action, the Department shall notify the Permittee of this determination. Failure by the Permittee to commence an appropriate enforcement action within thirty (30) days of this notification may result in appropriate enforcement action by the Department against the source and/or the Permittee.

5. Pretreatment Report

   The Permittee shall provide to the Department an annual report that briefly describes its program activities during the previous calendar year. This report shall be submitted no later than **April 15** of each year to: Washington State Department of Ecology, Central Region Office, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902.

   The report shall include the following information:

   a. An updated nondomestic inventory.
   b. Results of wastewater sampling at the treatment plant as specified in Special Condition S2.A. The Permittee shall calculate removal rates for each pollutant and evaluate the adequacy of the existing local limitations in Section 7.65.070 of Ordinance 2000-19 in prevention of treatment plant interference, pass through of pollutants that could affect receiving water quality, and sludge contamination.
   c. Status of program implementation, including:
      (1) Any substantial modifications to the pretreatment program as originally approved by the Department, including staffing and funding levels.
      (2) Any interference, upset, or permit violations experienced at the POTW that are directly attributable to wastes from industrial users.
      (3) Listing of industrial users inspected and/or monitored, and a summary of the results.
      (4) Listing of industrial users scheduled for inspection and/or monitoring for the next year, and expected frequencies.

(5) Listing of industrial users notified of promulgated pretreatment standards and/or local standards as required in 40 CFR 403.8(f)(2)(iii). Indicate which industrial users are on compliance schedules and the final date of compliance for each.
(6) Listing of industrial users issued industrial waste discharge permits.
(7) Planned changes in the pretreatment program implementation plan. (See subsection A.6. below.)

d. Status of compliance activities, including:
(1) Listing of industrial users that failed to submit baseline monitoring reports or any other reports required under 40 CFR 403.12 and in Part 6 of the Permittee's pretreatment Ordinance.
(2) Listing of industrial users that were at any time during the reporting period not complying with Federal, State, or local pretreatment standards or with applicable compliance schedules for achieving those standards, and the duration of such noncompliance.
(3) Summary of enforcement activities and other corrective actions taken or planned against noncomplying industrial users. The Permittee shall supply to the Department a copy of the public notice of facilities that were in significant noncompliance.

6. The Permittee shall request and obtain approval from the Department prior to implementing any significant changes to the local pretreatment program as approved. The procedure of 40 CFR 403.18 (b) & (c) shall be followed.

B. Monitoring Requirements

The Permittee shall monitor its influent, effluent, and sludge for the priority pollutants identified in Tables II and III of Appendix D of 40 CFR Part 122 as amended, any compounds identified as a result of Special Condition S6.B.4, and any other pollutants expected from nondomestic sources using U.S. EPA-approved procedures for collection, preservation, storage, and analysis. Influent, effluent, and sludge samples shall be tested for copper, lead, silver and zinc on a quarterly basis throughout the term of this permit, *except* effluent shall be tested for *all* metals listed in 40 CFR 122, Appendix D, Table III concurrently when the receiving water is sampled for metals (See Special Condition S10.A). Influent, effluent, and sludge samples shall be tested for the complete suite of organic and metals priority pollutants (40 CFR 122, Appendix D, Tables II and III) on an annual basis.

1. The POTW influent and effluent shall be sampled on a day when industrial discharges are occurring at normal to maximum levels. Samples for the analysis of acid and base/neutral extractable compounds and metals shall be 24-hour composites. Samples for the analysis of volatile organic compounds shall be collected using grab sampling techniques at equal intervals for the total of four grab samples per day.

   A single analysis for volatile pollutants (Method 624) may be run for each monitoring day by compositing equal volumes of each grab sample directly in the GC purge and trap apparatus in the laboratory, with no less than 1 ml of each grab included in the composite.

   Unless otherwise indicated, all reported test data for metals shall represent the total amount of the constituent present in all phases, whether solid, suspended, or dissolved, elemental or combined including all oxidation states.

   Wastewater samples must be handled, prepared, and analyzed by GC/MS in accordance with the U.S. EPA Methods 624 and 625 (October 26, 1984).

2. A sludge sample shall be collected approximately thirty (30) days after a wastewater sample and may be taken as a single grab of residual sludge. Sampling and analysis shall conform to U.S. EPA Methods 624 and 625 unless the Permittee requests an alternate method and it has been approved by the Department.

3. Cyanide, phenols, and oils shall be taken as grab samples. Oils shall be hexane soluble or equivalent, and should be measured in the influent and effluent only.

4. In addition to quantifying pH, oil and grease, and all priority pollutants, a reasonable attempt should be made to identify all other substances and quantify all pollutants shown to be present by gas chromatograph/mass spectrometer (GC/MS) analysis per 40 CFR 136, Appendix A, Methods 624 and 625. Determinations of pollutants should be attempted for each fraction, which produces identifiable spectra on total ion plots (reconstructed gas chromatograms). Determinations should be attempted from all peaks with responses 5% or greater than the nearest internal standard. The 5% value is based on internal standard concentrations of 30 μg/l, and must be adjusted downward if higher internal standard concentrations are used or adjusted upward if lower internal standard concentrations are used. Non-substituted aliphatic compounds may be expressed as total hydrocarbon content. Identification shall be attempted by a laboratory whose computer data

processing programs are capable of comparing sample mass spectra to a computerized library of mass spectra, with visual confirmation by an experienced analyst. For all detected substances which are determined to be pollutants, additional sampling and appropriate testing shall be conducted to determine concentration and variability, and to evaluate trends.

C. Reporting of Monitoring Results

The Permittee shall include a summary of monitoring results in the Annual Pretreatment Report.

D. Local Limit Development

As sufficient data become available, the Permittee shall, in consultation with the Department, reevaluate its local limits in order to prevent pass through or interference. Upon determination by the Department that any pollutant present causes pass through or interference, or exceeds established sludge standards, the Permittee shall establish new local limits or revise existing local limits as required by 40 CFR 403.5. In addition, the Department may require revision or establishment of local limits for any pollutant discharged from the POTW that has a reasonable potential to exceed the Water Quality Standards, Sediment Standards, or established effluent limits, or causes whole effluent toxicity. The determination by the Department shall be in the form of an Administrative Order.

The Department may modify this permit to incorporate additional requirements relating to the establishment and enforcement of local limits for pollutants of concern.

Any permit modification is subject to formal due process procedures pursuant to State and Federal law and regulation.

S7. RESIDUAL SOLIDS

The Permittee shall manage all residual solids (grit, screenings, scum, sludge and solid waste) in accordance with the requirements of: (1) RCW 90.48.080 and Water Quality Standards; (2) applicable sections of 40 CFR Part 503 and Chapter 173-308 WAC, "Biosolids Management"; (3) applicable sections of Chapter 173-304 WAC, "Minimum Functional Standards for Solid Waste Handling."

The final use and disposal of biosolids shall be done in accordance with Chapter 173-308 WAC ("Biosolids Management"), 40 CFR Part 503, and under coverage of the State general permit for biosolids management, as applicable.

The disposal of solid waste, other than biosolids, is regulated by the local jurisdictional health department in accordance with State solid waste regulations.

S8. ACUTE TOXICITY

A. Acute Rapid Screening Testing

In consideration of the Permittee's potential to have toxicity occur and cause receiving water impacts the following monitoring is required. The Permittee shall conduct using the 48-hour static test for the Daphnid method prescribed in EPA publication EPA/600/4-90/027F, *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*. Testing shall be conducted using a minimum of five effluent concentrations and a control.

A minimum of twenty (20) organisms and four (4) replicates shall be used in both the control and 100% effluent. Additional effluent concentrations may also be run. Tests shall have a maximum normalized mortality rate of 0.20 in 100% effluent at the 24-hour end point. Tests shall be conducted during the months of March, August and October annually. The August and October samples shall be taken while the treatment plant is receiving discharges from the fruit packers, if possible. The mortality rate for an acute rapid screening test is determined in WAC 173-205-120(2)(b) by subtracting the number of test organisms living in 100% effluent from the number of test organisms living in the control and dividing the result by the number of test organisms living in the control.

In the event mortality exceeds 20% at 24 hours in 100% effluent, the testing shall be extended to 96 hours. The Permittee shall also actively investigate the source of toxicity. The toxicity test and investigation results shall be reported to the Department within thirty (30) days of the rapid screening test failure.

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department’s database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to four (4) degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than thirty-six (36) hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria.* If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five (5) effluent concentrations and a control. **The series of concentrations must include the acute critical effluent concentration (ACEC) of 66.2%.**

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

9. Routine WET monitoring reports shall be submitted to the Department **within sixty (60) days of the sampling event**.

10. The Permittee shall submit a Acute WET Testing Summary Report, summarizing the results of all acute WET Testing that has occurred during the permit cycle, **May 31, 2007.**

S9. CHRONIC TOXICITY

A. Effluent Limit for Chronic Toxicity

The chronic toxicity limit is no statistically significant difference in test organism response between the chronic critical effluent concentration (CCEC), 15.1% of the effluent, and the control.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Section S1.B pursuant to WAC 173-201A-100. **The CCEC equals 15.1 % effluent**.

In the event of failure to pass the test described in subsection B. of this section for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection C. are being met to the satisfaction of the Department.

B. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for chronic toxicity. The chronic toxicity tests shall be performed using at a minimum the CCEC, the ACEC, and a control. Chronic toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. **A written report shall be submitted to the Department within sixty (60) days after the sample date.** This written report shall contain the results of hypothesis testing conducted as described in this subsection using both the ACEC and CCEC versus the control.

Monitoring to determine compliance with the effluent limit shall be conducted in March, September and November, using *Ceriodaphnia dubia*, in accordance with EPA/600/4-91/002. When possible, sampling shall occur concurrently with effluent and receiving water sampling specified in Special Condition S10.A and B of this permit.

The Permittee is in violation of the effluent limit for chronic toxicity in subsection A. and shall immediately implement subsection C. if any chronic toxicity test conducted for compliance monitoring determines a statistically significant

difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

C. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection B. determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection B. The discharger shall return to the original monitoring frequency in subsection B. after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after the sample date. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than thirty-six (36) hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five (5) effluent concentrations and a control. The series of concentrations must include the CCEC and the ACEC. The CCEC and the ACEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.

8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

9. The Permittee shall submit a Chronic WET Testing Summary Report, summarizing the results of all chronic WET Testing that has occurred during the permit cycle, **May 31, 2007.**

S10. RECEIVING WATER AND EFFLUENT STUDY

The Permittee shall collect receiving water information necessary to determine if the effluent has a reasonable potential to cause a violation of the water quality standards. If reasonable potential exists the Department will use this information to calculate effluent limits.

A. Effluent Analysis

The Permittee shall analyze the wastewater discharge for hardness, arsenic, copper, lead, nickel, chromium, zinc, cadmium, selenium, silver, and mercury at least eight (8) times during the term of the permit.

Sample events shall coincide with the receiving water samples (see Special Condition S10.B). When possible, sampling shall be concurrent with acute and chronic WET Testing sampling events specified in Special Conditions S8.B and S9.B of this permit.

All analysis for metals must use the methods given in 40 CFR Part 136 and be reported as total recoverable. The Permittee should use the clean sampling guidance for collection of metals samples. The minimum detection levels used for the analysis shall be:

POLLUTANT PARAMETER	DETECTION LIMIT REQUIRED
Copper	1.0 µg/L
Lead	1.0 µg/L
Nickel	1.0 µg/L
Chromium	1.0 µg/L
Zinc	2.0 µg/L
Cadmium	0.1 µg/L
Selenium	2.0 µg/L
Silver	0.2 µg/L
Mercury	0.2 µg/L
Arsenic	1.0 µg/L

B. Receiving Water Analysis

The Permittee shall sample and analyze the receiving water for hardness, temperature, pH, alkalinity, mercury, and arsenic. The following metals shall be analyzed for both total recoverable and dissolved: zinc, copper, lead, silver, selenium, cadmium, nickel, and chromium.

Sampling of the receiving water shall occur on a quarterly basis, beginning in September 2004 and ending in September 2006. The Permittee shall collect a minimum of eight (8) samples from the receiving water. The sampling station accuracy requirements shall be within twenty (20) meters. The receiving water sampling location should be outside the zone of influence of the effluent.

The Permittee shall follow the clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034, April 1995). All chemical analysis shall be conducted according to methods given in 40 CFR 136 and shall have the following detection levels:

POLLUTANT PARAMETER	DETECTION LIMIT REQUIRED
Copper	1.0 µg/L
Lead	1.0 µg/L
Nickel	1.0 µg/L
Chromium	1.0 µg/L
Zinc	2.0 µg/L
Cadmium	0.1 µg/L
Selenium	2.0 µg/L
Silver	0.2 µg/L
Mercury	0.2 µg/L
Arsenic	1.0 µg/L

Any subsequent sampling and analysis shall also meet these requirements. The Permittee may conduct a cooperative receiving water study with other NPDES Permittees discharging in the same vicinity. The Permittee shall submit the results of the study to the Department **May 31, 2007**.

C. Quality Assurance Project Plan (QAPP)

All sampling and analysis shall be conducted in accordance with the guidelines given in *Guidelines and Specifications for Preparing Quality Assurance Project Plans*, Ecology Publication 91-16. The Permittee shall submit a sampling and quality assurance plan for Department review and approval by **October 1, 2003**.

S11. FACILITY PLAN

A. Final Facility Plan

By January 1, 2004, two copies of an approvable Facility Plan shall be prepared by the Permittee in accordance with WAC 173-240 and submitted to the Department for review and approval.

In addition to the requirements detailed in 173-240-060, the Permittee shall address the following issues in the Facility Plan:

1. A comprehensive water quality evaluation, addressing all conventional and toxic pollutants, that demonstrates the discharge will be in compliance

with the State's Surface Water Quality Standards or details how the City will achieve compliance;

2. The final treatment plant flow configuration, including treatment of Del Monte flows;
3. Provide the assumptions and calculations that are the basis of the capacity calculations in Section 5.4 of the draft Facility Plan;
4. Provide the assumptions and calculations that are the basis of the design of the required upgrades;
5. The impacts of treating food processing wastewater from Del Monte in the treatment plant, rather than the spray field;
6. The impact of the intermediate clarifier on the plant capacity, which was brought on line following submittal of the draft Facility Plan; and,
7. Documentation for the SEPA and SERP determinations, including the SERP Environmental Report, copies of any written comments the City received from agencies with jurisdiction, records of the City's efforts to contact agencies that did not provide written comments, records from the public hearing, a copy of the SEPA Environmental Checklist, and the SEPA Threshold Determination.

In addition, the Facility Plan shall contain any appropriate requirements as described in the "Water Reclamation and Reuse Standards" (Washington State Department of Ecology and Department of Health, 1997). As required by RCW 90.48.112, the document must address the feasibility of using reclaimed water as defined in RCW 90.46.010.

S12. OUTFALL EVALUATION

The Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function. Deposition of sediments in the area of the outfall shall also be documented. Photographic verification shall be included in the report. The inspection report shall be received the Department by **January 15, 2005**.

S13. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the State's Surface Water Quality Standards for Copper, Lead, Silver and Zinc, by **January 16, 2008**. The Permittee shall undertake the following activities in fulfillment of this Special Condition.

A. Scope of Work Report

The Permittee shall submit to the Department a Scope of Work that describes elements of the study required by section B. of this condition to achieve compliance with the State's Surface Water Quality Standards for Copper, Lead, Silver and Zinc. This report shall be submitted to the Department by **January 1, 2004**.

B. Metals Study

The Permittee shall conduct a comprehensive study to determine measures to be taken to achieve compliance with the State's Surface Water Quality Standards for Copper, Lead, Silver and Zinc. The study shall include, but not be limited by, the following corrective/mitigative measures:

- pH adjustment of the City's water supply;
- source reduction; and,
- treatment.

C. Assessment Report

The Permittee shall submit to the Department, for review and approval, a comprehensive Assessment Report detailing the results of the study to achieve compliance with the State's Surface Water Quality Standards for Copper, Lead, Silver and Zinc. This report shall be submitted to the Department by **July 15, 2006**. This report shall include a decision by the Permittee as to the corrective/mitigative action(s) that will be taken to achieve compliance with the water quality Standards.

D. Water-Effects Ratio Study

In the event the Permittee determines that the desired action is to conduct a Water-Effects Ratio (WER) Study, the Permittee shall submit a WER Study Plan with the Assessment Report required by section C of this condition. The Permittee shall follow the Guidance on Determination and Use of Water-Effect Ratios for Metals, EPA-823-B-94-001, and guidance as outlined in Appendix 6 of the Department's Permit Writers Manual to plan for the study and testing. This EPA document and the Department's Appendix 6 guidance on WER study must be reviewed by the Permittee for a full understanding of the requirements for determining a water effect ratio prior to proceeding with the study. The WER

Study Plan shall include a schedule detailing the timetable and completion date of the study.

E. Engineering Report

In the event the recommended outcome of the Assessment Report involves physical modification(s) of the POTW, the Permittee is required to submit an Engineering Report to the Department for review and approval, **May 31, 2007**. The Engineering Report shall be written in accordance with WAC 173-240-060.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
3. A material change in quantity or type of waste disposal.
4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the State.
2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a

permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one (1) year prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to State waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5. of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than ten thousand dollars ($10,000) per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than twenty thousand dollars ($20,000) per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G24. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.